

Examiner has now issued no less than six (6) non-final office actions -- despite the fact that the Applicant has proposed not a single amendment to any of claims 1-10 to this day. In that regard, Office policy as expressed in the Manual of Patent Examining Procedure MPEP §707.07(g) is clear:

"[P]iecemeal examination should be avoided as much as possible. The Examiner ordinarily should reject each claim on all valid grounds available, avoiding, however, undue multiplication of references." MPEP §707.07(g)

As Applicant has repeatedly argued, none of the references of record heretofore cited by the Examiner teach or suggest the combination recited in pending claims 1-11. Now the Examiner introduces two new references (*Kodama* and *Mallien, III*) which are purported to supply the teachings which the primary reference (*Huttenen*) lacks. As set forth in detail below, these two references do **NOT** supply the teachings lacking in *Huttenen* and all currently pending claims are allowable over the prior art of record.

35 U.S.C. 103 Rejection of Claims 1-2, 4-7, and 9-11

Claims 1-2, 4-7, and 9-11 were rejected under 35 U.S.C. 103(a) as being unpatentable over T. *Huttenen*, U.S. Patent 5,903,850, issued May 11, 1999 (hereinafter "*Huttenen*") in view of *Kodama*, U.S. Patent 5,805,998, issued Sept. 8, 1998 (hereinafter "*Kodama*") and further in view of *Mallien, III*, U.S. Patent 4,122,304 issued October 24, 1978. The applicant respectfully traverses respect to claims 1-11.

Claim 1 recites:

1. A wireless terminal comprising:
an antenna;
a first visual indicator that indicates to a user of said wireless terminal when a radio is *transmitting*; and
a signal lead for carrying an RF signal from said radio to said antenna and from said antenna to said radio and for carrying a first baseband signal *from said radio* to said first visual indicator for activating said first visual indicator.
(emphasis supplied)

First, with respect to claims 1, 2 and 4, it is respectfully submitted that the purported teachings of *Kodama* are wholly irrelevant in so far as these claims do not recite any limitation with respect to "a visual indicator when a radio is receiving" as set forth in para. 2 of the outstanding office action. Nowhere do *Huttenen* nor *Kodama* teach or suggest, alone or in combination, a first visual indicator that indicates to a user of a wireless terminal when the radio is transmitting. Apparently relying upon the *Mallien, III* reference for this structure, the Examiner refers to FIG. 3B, element 120 and Col. 5, lines 26-

29 of the Mallien, III specification to show the use of an "indicator that indicates to a user of the terminal when a radio is transmitting". Applicant respectfully submits, however, that such structure is wholly absent from the Mallien, III reference and that the purported combination would not result in the invention disclosed and claimed by Applicant.

Mallien, III teaches an analog radio telephone handset which includes a variety of indicators. In focussing on Col. 5, lines 26-29 of the Mallien, III specification, the Examiner appears to have overlooked other language describing indicator element 120 which actually teaches away from the claimed invention. For example, with particular reference to Col. 6, Mallien, III disclose that:

[t]he radio telephone automatically scans the available channels. If an available channel is found, the green transmit indicator 120 will come on. If all of the channels are busy, the red busy indicator 153 will come on....Once dial tone is received over an available channel, the send pushbutton 134 on the pushbutton pad 21 is depressed to transmit the dialed number. Mallien, III, at Col. 6, lines 57-65 {emphasis added}

Mallien, III goes on to teach, in Col. 8, lines 24-28, that when a call is received, "the green transmit indicator 120 is illuminated when the handset is picked up, and conversation can take place."

Thus, unlike the arrangement disclosed and claimed by Applicant, Mallien, III does not teach or suggest a first visual indicator that indicates to a user of a wireless terminal when the radio is transmitting. On the contrary, Mallien, III teaches a green indicator light which indicates when an available channel has been assigned to an ongoing call - the light remaining illuminated for the entire duration of the call.

Second, nowhere do Huttenen nor Kodama nor Mallien, III teach or suggest, alone or in combination, a baseband signal from the radio for activating the visual indicator. Indeed, the portion of the Mallien, III specification upon which the Examiner is relying for support, specifies that "*the transmit indicator 120 is enabled by the supervisory key line 105 or the push-to-talk output line 121 from the cradle computer.*" Accordingly, even assuming one of ordinary skilled in the art were motivated to make the combination proposed by the Examiner, he would not end up with the novel arrangement disclosed and claimed by applicant in claim 1.

For these reasons, the applicant respectfully submits that the rejection of claim 1 is traversed.

Because claims 2, 4 and 5 depend on claim 1, the applicant respectfully submits that they too are allowable. Claim 5, because it further recites another visual indicator for indicating when the terminal is receiving, it is also patentably distinguishable from the combination cited by the Examiner. This limitation, however, is described in more particular detail with respect to the rejection of independent claim 6 and will therefore be discussed in conjunction with that claim and those which depend therefrom.

Independent claim 6 recites:

6. A wireless terminal comprising:
an antenna;
a first visual indicator that indicates to a user of said wireless terminal when a radio is receiving; and
a signal lead for carrying an RF signal from said radio to said antenna and from said antenna to said radio and for carrying a first baseband signal from said radio to said first visual indicator for activating said first visual indicator.
(emphasis supplied)

First, nowhere do Huttenen, Kodama, or Mallien, III teach or suggest, alone or in combination, a first visual indicator that indicates to a user of a wireless terminal when the radio is receiving.

In the outstanding office action, the Examiner states that Kodama teach an indicator that "indicates to a user of said terminal when a radio is receiving", referring to FIG. 3, element no. 21E and Col. 8, line 4-24 of the specification. A careful review of the Kodama reference, however, reveals that such a teaching is wholly absent. In Col. 8, lines 12-24, Kodama states:

[a] radio signal transmitted from the master unit 100 is caught by the antenna 21B, being fed to the radio receiver via a duplexer. The radio receiver 21C demodulates the radio signal into a speech signal or an LED-on signal....The CPU 21D monitors the output signal of the radio receiver 21C, and decides whether or not the output signal of the radio receiver 21C contains an LED on signal. *When the output signal of the radio receiver 21C contains an LED-on signal, the CPU 21D intermittently activates the LED 21E. Otherwise, the CPU 21D holds the 21E inactive.* (Emphasis Added).

The purpose of the LED-on signal, is disclosed by Kodama in Col. 10, at lines 13-19:

...CPU 5 controls the radio transceiver 16 to transmit an LED-on signal to the slave unit 200. When the slave unit 200 receives the LED-on signal, the *LED 21E is periodically activated to inform the user of the drop of the voltage across the auxiliary power source 24a.* (Emphasis Added).

From the foregoing, it is clear that Kodama does not contemplate an indicator for indicating when the "slave unit" is receiving. Rather, Kodama is directed to the periodic illumination of a lamp only when the voltage across an auxiliary power source is below a predetermined threshold. Accordingly, even assuming that Huttenen would be motivated to provide such an indicator in his device, such a combination would not result in the combination recited in claim 6.

Moreover, nowhere do Huttenen, Kodama or Mallien, III teach or suggest, alone or in combination, a baseband signal from the radio for activating the visual indicator.

For these reasons, the applicant respectfully submits that the rejection of claim 6 is traversed.

Because claims 7-10 depend on claim 6, the applicant respectfully submits that they too are allowable.

Independent claim 11 recites:

11. A wireless terminal comprising:
a radio;
an antenna;
a first visual indicator that indicates to a user of said wireless terminal when said radio is operating; and
a cable that is detachably connected to said radio and that is also connected to said antenna for carrying an RF signal and for carrying a baseband signal from said radio to said first visual indicator;
wherein said first visual indicator indicates when said radio is receiving and further comprising a second visual indicator that indicates when said radio is transmitting and wherein said cable also carries a second baseband signal from said radio to said second visual indicator.
(emphasis supplied)

First, nowhere do Huttenen, Kodama or Mallien, III teach or suggest, alone or in combination, a first visual indicator that indicates to a user of a wireless terminal when the radio is receiving.

Second, nowhere do Huttenen nor Wells teach or suggest, alone or in combination, a first visual indicator that indicates to a user of a wireless terminal when the radio is transmitting.

For these reasons, the applicant respectfully submits that the rejection of claim 11 is overcome.

35 U.S.C. 103 Rejection of Claims 3 and 8

Claims 3 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Huttenen in view of Kodama and Mallien, as applied to claims 1, 2, 4-7, and 9-11, and further in view of P. Stein, U.S. Patent 5,628,055, issued May 6, 1997 (hereinafter "Stein"). The applicant respectfully traverses.

Independent claim 1, from which claim 3 depends, recites:

1. A wireless terminal comprising:
an antenna;
a first visual indicator that indicates to a user of said wireless terminal when a radio is *transmitting*; and
a signal lead for carrying an RF signal from said radio to said antenna and from said antenna to said radio and for carrying a first baseband signal *from said radio* to said first visual indicator for activating said first visual indicator.
(emphasis supplied)

First, nowhere do Huttenen nor Kodama nor Mallien, III nor Stein teach or suggest, alone or in combination, a first visual indicator that indicates to a user of a wireless terminal when the radio is transmitting.

Second, nowhere do Huttenen nor Kodama nor Mallien, III nor Stein teach or suggest, alone or in combination, a baseband signal from the radio for activating the visual indicator.

For these reasons, the applicant respectfully submits that the rejection of claim 3 is traversed.

Independent claim 6, from which claim 8 depends, recites:

6. A wireless terminal comprising:
an antenna;
a first visual indicator that indicates to a user of said wireless terminal when a radio is receiving; and
a signal lead for carrying an RF signal from said radio to said antenna and from said antenna to said radio and for carrying a first baseband signal from said radio to said first visual indicator for activating said first visual indicator.
(emphasis supplied)

First, nowhere do Huttenen nor Kodama nor Mallien, III nor Stein teach or suggest, alone or in combination, a first visual indicator that indicates to a user of a wireless terminal when the radio is receiving.

Second, nowhere do Huttenen nor Wells nor Stein teach or suggest, alone or in combination, a baseband signal from the radio for activating the visual indicator.

For these reasons, the applicant respectfully submits that the rejection of claim 8 is traversed.

Serial No. 08/909,001



Docket: 700-016us
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Request for Reconsideration Pursuant to 37 C.F.R. 1.111

Having responded to each and every ground for objection and rejection in the Office action mailed June 21, 2001, applicants request reconsideration of the instant application pursuant to 37 CFR 1.111 and request that the Examiner allow claims 1-11 and pass the application to issue.

Respectfully,
DeMont & Breyer, L.L.C.

By _____
Brian K. Dinicola
Attorney for Applicant
Reg. No. 36,122
732-933-1453

Date: _____
DeMont & Breyer, L.L.C.
P.O. Box 7490
Shrewsbury, NJ 07702
United States of America

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